

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION**

**CASSIE BREAZEALE and RHONDA
GARDNER, on their own behalf and
on behalf of those similarly situated,**

CASE NO.: 5:21-cv-181-D

Plaintiffs,

vs.

AMPLER PIZZA II, INC.,

Defendant. /

**JOINT MOTION FOR APPROVAL OF COLLECTIVE ACTION
SETTLEMENT AGREEMENT**

The above-named Parties, by and through their undersigned counsel of record, hereby respectfully request that this Court enter an Order granting approval of the Parties Joint Stipulation of Collective Action Settlement Agreement (“Settlement Agreement”), including payment of reasonable attorneys’ fees and costs and service awards. The Parties respectfully request the Court issue an Order:

- (1) certifying for settlement purposes only, pursuant to Section 216(b) of the Fair Labor Standards Act (“FLSA”), the following Collective:

All General Managers who worked for Defendant as of January 1, 2020 and continuing, who were not compensated a weekly salary of at least \$684.00 per week, who did not earn time and one-half of their effective hourly rate for all hours worked in excess of forty (40) hours per week during one or more workweeks.

- (2) designating Morgan & Morgan, P.A. and Kimberly De Arcangelis, Esq. as Class Counsel for the Settlement Class.
- (3) granting approval of the Parties Settlement Agreement and Notice Procedures;
- (4) approving services awards to the Named Plaintiffs and Opt-In Plaintiffs in the amount of \$3,000.00 each to Cassie Breazeale and Rhonda Gardner, and \$1,000.00 each to Alexandria Mercer and Roman Miller;

- (5) approving attorneys' fees and costs, including the cost of settlement administration, to Class Counsel in the amount of \$42,000.00, which is equivalent to 32.8% of the Settlement Shares and Service Awards; and
- (6) ordering the Parties to file their Joint Notice of Dismissal with Prejudice (attached to the Settlement Agreement as Exhibit F) upon the completion of the Notice Procedures.

As discussed in the accompanying memorandum of law in support, the Settlement Agreement is fair and reasonable and should be approved by the Court.

Jointly submitted this 15th day of March, 2022.

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| <u>/s/ Adam A. Smith</u> ADAM A. SMITH, ESQ. Bar No.: 31798 RIDDLE & BRANTLY 601 N. Spence Avenue Goldsboro, NC 27534 Telephone: (919) 779-9700 Email: AAS@justicecounts.com <i>Local Civil Rule 83.1 Counsel</i> | <u>/s/ Joshua R. Adams</u> JOSHUA R. ADAMS N. C. State Bar No.: 49038 200 South College Street Suite 1550, 15th Floor Charlotte, NC 28202 Telephone: (980) 465-7237 Email: Joshua.Adams@jacksonlewis.com <i>Local Civil Rule 83.1 Counsel</i> |
| <u>/s/ Kimberly De Arcangelis</u> Kimberly De Arcangelis, Esquire Bar No.: 0025871 Morgan & Morgan, P.A. 20 N. Orange Avenue Orlando, Florida 32801 Telephone: (407) 420-1414 Facsimile: (407) 245-3383 Email: KimD@forthepeople.com <i>Pro Hac Attorneys for Plaintiffs</i> | <u>/s/ Eric Magnus</u> ERIC R. MAGNUS Georgia State Bar. No. 801405 171 17th Street, NW Suite 1200 Atlanta, GA 30363 Telephone: (404) 525-8200 Facsimile: (404) 525-1173 E-Mail: Eric.Magnus@jacksonlewis.com <i>Pro Hac Attorneys for Defendant</i> |